

United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 11

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[www.nlrb.gov](http://www.nlrb.gov)

4035 University Pkwy., Suite 200

Winston-Salem, NC 27106-3325

November 19, 2003

Re: South Carolina Electric & Gas  
Case No. 11-RD-654

Mr. Kenny Branham  
1218 Pine Plain Road  
Gaston, SC 29053

Dear Mr. Branham:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, it appears that further proceedings on the petition are not warranted at this time. The investigation revealed that the Employer and Union are parties to a collective bargaining agreement that is effective from February 9, 2002, through January 31, 2005. The Board has held that a contract having a fixed-term of three years or less will act as a bar to the filing of a petition, unless the petition is filed within 60 to 90 days before the expiration of the contract. General Cable Corp., 139 NLRB 1123 (1962). I am therefore dismissing the petition, as it was filed on November 13, 2003, more than 90 days prior to the expiration of the contract.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (*eight copies*) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business at 5:00 p.m. EST (EDT) on **December 3, 2003**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service,

however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.

Very truly yours,

/s/ Willie L. Clark, Jr.

Willie L. Clark, Jr.  
Regional Director

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CERTIFIED MAIL - Return Receipt Requested

cc: South Carolina Electric & Gas  
142 Wateree Station Road  
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